

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLOTTE PERRY,
Plaintiff

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,
Defendant

2:05cv109
Electronic Filing
Judge David S. Cercone/
Magistrate Judge Amy Reynolds Hay

AND NOW, this 7 day of February, 2006, after the plaintiff, Charlotte Perry, filed an action in the above-captioned case, and after Motions for Summary Judgment were submitted, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the Motion for Summary Judgment filed by Plaintiff is
DENIED;

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Defendant is GRANTED;

IT IS FURTHER ORDERED that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits and supplemental security income is affirmed;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order she must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

D. Glavin

DAVID STEWART CERCONE
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

N. Leah Fink, Esquire
KUNKEL & FINK
1208 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219

Lee J. Karl, AUSA